



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert Chambers, et al.

Appln. No.: 09/918,723

Filed: August 1, 2001

For: CONTROLLING SPEECH RECOGNITION FUNCTIONALITY IN A COMPUTING
DEVICE

Group Art Unit: 2655

Examiner: M. Opsasnick

Atty. Docket No.: 03797.00134

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Sir:

Applicants hereby request a pre-appeal review prior to filing of an appeal brief pursuant to the Pre-Appeal Brief Conference Pilot Program published in the Official Gazette, July 12, 2005. This paper is being filed concurrently with a Notice of Appeal. No amendment is filed with this paper.

The Examiner's rejections are based on clear error

The Examiner rejects claims 1-11 and 30-35 under 35 U.S.C. § 103(a) as being unpatentable over Gould (U.S. Patent No. 6,088,671) in view of White (U.S. Patent No. 5,386,494). This rejection is based on clear error as set forth below.

Claim 1 and dependent claims 2-11 recite a method in a computing device having a microphone and a button comprising receiving a user input actuating the button, placing the device in dictation mode if actuating the button is of a first type and placing the device in a command mode if actuating the button is of a second type. The Examiner equates an utterance interrupt signal (Utt signal 22, FIG. 1 and col. 3) of Gould with the button of claim 1. This assertion is based on clear error because the Utt signal is output from a digital signal processor if

a volume of speech frames exceeds a threshold to cause the CPU to interrupt execution to cause storage of incoming speech frames into a buffer 30 (col. 2, lines 19-27). This is unrelated to placing a device in dictation mode if actuation of a first type and placing the device in command mode if actuation is of a second type. Nor does the Examiner establish that storage of speech frames in a buffer is related to dictation mode and command mode as recited (see arguments already of record, Request for Reconsideration filed February 8, 2006, pages 2-3 and Amendment filed September 23, 2005, pages 10-11).

The Examiner further asserts that Gould's Utt signal 22 is "associated with a button" based on Gould col. 3, lines 48-50, col 5, lines 3-6 and col. 10, lines 44-49. See Advisory Action dated 3/6/06. This assertion is also based on clear error. Gould at col. 3, lines 48-50 discloses mouse/keyboard input for launching an application to launch speech recognition software (see FIG. 1, elements 42, 38 and 36). This is unrelated to the Utt signal of Gould which is output from the DSP (see FIG. 1, elements 19, 22, and 24) to cause a CPU to store speech frames in a buffer. Hence, the mouse/keyboard of Gould does not actuate the Utt signal 22. Gould at col. 5, lines 3-6 discloses displaying a browser 66 by keystroke, mouse selection or utterance. This is also unrelated to the Utt signal 22 which causes storage of speech frames in a buffer, not display of a browser 66. The mouse selection pertains to launching a browser 66 and is unrelated to the Utt signal 22. Gould at col. 10, lines 44-49 discloses selection of a displayed command through mouse input. This is also unrelated to the Utt signal 22 which is produced by the DSP to cause storage of speech frames in a buffer by the CPU (see arguments already of record, Request for Reconsideration filed February 8, 2006, pages 2-3 and Amendment filed September 23, 2005, pages 10-11).

The Examiner relies on White, FIG. 6, blocks 115, 117, 119, and 121 and FIG. 3 to make up for the deficits of Gould. Office Action 12/8/05, page 3 and Advisory action 3/6/06. However, White merely discloses a voice button 28 for activating/deactivating a microphone 26 (col. 5, lines 3-8) and a pointer button 29 for selecting objects on a display screen (col. 5, lines 38-42). White fails to teach or suggest placing the device in a dictation mode if actuating the button is of a first type and placing the device in a command mode if actuating the button is of a second type. Indeed, White fails to teach a dictation mode and command mode at all.

In FIG. 6 of White, a user activates a speech recognition function by depressing the voice button 28 (col. 9, lines 41-43) and speaks a command (col. 9, lines 58-60) which is displayed on

the computer (col. 9, lines 61-62). If the displayed command is correct, the user releases the voice button 28 to select the displayed command (blocks 115 and 121, FIG. 6). If the displayed command is incorrect, the user moves a pointing device to display a list of alternative commands, moves a voice cursor 64 over the correct displayed command, and releases the voice button 28 over the correct displayed command to select the command (blocks 115, 117, and 119, FIG. 6 and col. 10, lines 3-33). The “two different modes” of the “changing state of switch” on which the Examiner relies (Advisory Action, 3/6/06) refers to activation of the switch (col. 9, lines 58-60) to turn the system on or off. A switch being in an “on” or “off” state is not related to the device (not switch) being in a dictation mode or a command mode. White fails to teach or suggest the device having both a dictation mode and a command mode at all. See also arguments already of record, Request for Reconsideration filed February 8, 2006, page 3.

In addition, there is no motivation to combine the Gould and White references as suggested by the Examiner. See arguments already of record, Request for Reconsideration filed 2/8/06, page 4. The Examiner now asserts a new “motivation” for combining Gould and White in the Advisory Action of 3/6/06, namely, to “transfer/simplify the process of switching between recognition modes.” This newly devised “motivation” is also based on clear error because White fails to teach or suggest “switching between recognition modes” and cannot, therefore, “simplify” switching between modes. The “modes” in White on which the Examiner relies refers to an “on” and “off” state of a switch for turning the system on and off. This is unrelated to the system being in different modes (dictation and command) or being in different modes based on type of input. Thus, the rejection of claim 1-11 is based on clear error.

Claims 30-35 are similar to claim 11 and were rejected in “substantially the same manner” as claim 1. Claims 30-35 are allowable for at least the reasons set forth for claim 1. Thus, the rejection of claims 30-35 is also based on clear error.

The Examiner rejects claims 12-16, 19-22, and 26-29 under 35 U.S.C. § 103(a) over Gould and White in further view of VanBuskirk (U.S. Patent No. 6,075,534). This rejection is based on clear error as set forth below.

Claims 12-16 depend from claim 1. Gould and White, alone or in combination, fail to teach or suggest claim 1. VanBuskirk fails to make up for the deficits of Gould and White.

VanBuskirk discloses a graphical user interface for a speech recognition system with a microphone “have at least two states.” VanBuskirk, col. 2, line 10. The at least states of the

microphone are on, off or asleep. VanBuskirk, col. 1, lines 32-33 and col. 3, lines 53-54. However, VanBuskirk, like Gould and White, also fails to teach or suggest placing the device in dictation mode if actuating the button is of a first type and placing the device in a command mode if actuating the button is of a second type. Instead, VanBuskirk merely discloses a left mouse button that turns the minibar on and off (col. 4, lines 53-54); a right mouse button that brings up a display of speech functions (col. 4, lines 55-56); dictation buttons 42 and 44 for starting and stopping dictation (col. 4, lines 58-59 and 66-67); a left-click button for launching an audio adjustment application (col. 5, lines 4-6); and a microphone 47 (col. 5, lines 18-19). However, VanBuskirk fails to disclose that actuation of any of these "buttons" of a first type places the device in dictation mode and actuation of a second type places the device in command mode. See arguments already of record, Request for Reconsideration filed 2/8/06, pages 5-6 and Amendment filed September 23, 2005, pages 10-11. Thus, the rejection of claim 1-11 is based on clear error.

Claim 13 recites multiple states of depression and that first and second types of user input are first and second states of depression. The Examiner asserts that VanBuskirk discloses "two separate activation states of the microphone" at col. 5, lines 15-30. However, VanBuskirk merely discloses that the microphone is on, off or asleep (col. 3, lines 53-56). There is no teaching or suggestion that VanBuskirk's microphone has a button or that actuation of a button places the device in a dictation mode if actuation is of a first type and places the device in a command mode if actuation is of a second type. Even assuming that VanBuskirk's microphone contains a button, the alleged button would merely turn the microphone on or off. See arguments already of record, Request for Reconsideration filed 2/8/06, pages 5-6 and Amendment filed September 23, 2005, pages 10-11.

Regarding claims 19-21, the Examiner asserts that "the minibar functions are used to turn the microphone off, turn it on, and turn it on for either navigation mode or dictation mode." See Office Action, page 4. This assertion is erroneous. VanBuskirk merely discloses the minibar displaying a message indicating that the microphone is off (FIG. 7; col. 4, lines 47-51). The minibar may be turned on or off by clicking the left mouse button (col. 4, lines 53-54). Claim 19 recites that the processor enters a command mode or a dictation mode responsive to a manner in which the button is pressed. In VanBuskirk, there is only one manner of clicking the left mouse button. Therefore, the processor does not enter a mode responsive to a manner in which the

button is pressed. See arguments already of record, Request for Reconsideration filed 2/8/06, page 6 and Amendment filed September 23, 2005, pages 11-12.

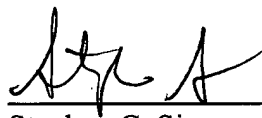
The claim 22 computing device activates the microphone and enters a command speech recognition mode if the first button receives a first user input, and the computing device activates the microphone and enters a dictation speech recognition mode if the second button receives a second user input, wherein the first user input is a press and hold of the first button, and the device remains in the command speech recognition mode while the first button is held, and exits the command speech recognition mode after the first button is released. Gould, White and VanBuskirk, alone or in combination, fail to teach or suggest these features. See arguments already of record, Request for Reconsideration filed 2/8/06, pages 6-7 and Amendment filed September 23, 2005, pages 12-13.

Conclusion

For the foregoing reasons and arguments of record, the rejection of claims 1-16, 19-22, and 26-35 under 35 U.S.C. § 103(a) over various combinations of Gould, White, and VanBuskirk should be withdrawn as clear error. It is respectfully submitted that this application is in condition for allowance and that the rejections should be withdrawn. If any additional fees are required or if an overpayment has been made, the Commissioner is authorized to charge or credit Deposit Account No. 19-0733.

Respectfully submitted,

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